CHILDREN’S ACCESS TO JUSTICE FOR ENVIRONMENTAL RIGHTS | MOROCCO
This report was published by Child Rights International Network (CRIN) in April 2022. It is part of a series of reports as part of CRIN’s project on children’s access to climate and environmental justice. For full information about the project visit: https://home.crin.org/access-to-environmental-justice.

CRIN was unable to identify an independent national expert to review this report, but sent a draft version to the State for feedback and comments received were taken into account in finalising the report. Any errors or inaccuracies remaining in the report are CRIN’s.

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Introduction

This report is one of 43 country reports which look at whether the laws and policies in countries around the world make it possible for children to access their environmental rights. We are looking at:

- How the law protects - or fails to protect - children’s environmental rights.
- How children can currently access the courts in environmental cases.
- What courts can do when children’s rights are violated.
- How these countries protect - or fail to protect - children’s civil and political rights so that they are able to protest and campaign on environmental issues.

These research reports are just the start to CRIN’s work on this issue. We think it’s important to start with a solid foundation and understanding of what the law says, but we want to build on this in collaboration with others.
We want to turn the research into practical tools and resources that organisers and activists (both young and old) from around the world can use. For more information about the project and what’s to come, please visit: https://home.crin.org/access-to-environmental-justice.

Methodology

Identifying 43 countries

The country reports look at 43 countries which we chose in consultation with our partners. We aimed to achieve a broadly representative sample that reflected a regional balance as well as the different types of legal systems and legal traditions. We included countries that are established regional or global leaders on children’s rights and environmental law. We also chose some countries that are often excluded from comparative studies in this area.

Developing the questions

The first draft of the research questionnaire was developed based on gaps in our knowledge that we had identified during our previous work on this issue. We then consulted a number of individual experts and organisations working in the field of children’s rights and the environment. Based on their feedback, we amended the questions.

The questions were then passed on to a team of pro-bono lawyers who used these to guide their research and write the reports.

The review process

The country reports were then reviewed and edited by CRIN. The reports were then sent to at least one official state representative and one national expert for the opportunity to provide feedback and comments. The experts included relevant government ministries, State permanent missions to the United Nations, non-governmental organisations, children’s rights lawyers and advocates, environmental rights lawyers and advocates and individual lawyers specialising in the issues covered by the reports. The contributors to the country reports have been credited in the individual country reports, except where the reviewer asked to remain anonymous. To note, for some countries CRIN was unable to find an official state representative or national expert able to give feedback.
Contents Page

1. National Legal Protections .......................... 6
2. Accessing Courts ..................................... 14
3. Remedies ............................................. 18
4. Civil and Political Rights ............................. 23
I. NATIONAL LEGAL PROTECTIONS
A. Are environmental rights protected within the national constitution?

A referendum on constitutional reforms was held on 1 July 2011 that paved the way for the introduction and passing of the second Constitution of Morocco (the “Constitution”). The Constitution provides that all men and women enjoy rights and freedoms, in respect with international Conventions ratified by Morocco, incl. the Convention on the Rights of the Child.1 Morocco ratified the CRC in 1996. According to the preamble of the Constitution, ratified international treaties take precedence over national law upon publication. Moreover, international treaties duly incorporated by publication in the official gazette, are part of domestic law.2

Article 31 of the Constitution provides that the State works on facilitating equal access to water and a healthy environment for female and male citizens. It also includes durable development. Article 32 provides additional protection for children and their families.

According to article 71 of the Constitution, protection of the environment is of the domain of the law. This includes: the rules relative to the management of the environment, to the protection of the natural resources and to lasting development and the regime of waters and forests and of fishing. The Parliament also has the power to vote for matters not included in the aforementioned article of the Constitution, should such a vote relate to the fundamental objectives of the economic, social, environmental and cultural activity of the State.

The Constitution sets out the creation of an Economic, Social and Environmental Council to be consulted by the government on all the questions of economic, social or environmental character. It gives its opinion on the general orientations of the national economy and of lasting development.3

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1 Morocco brought the CRC into national law with its publication in the official gazette (no. 4440) on 19 December 1996, following its ratification by Decree No. 1-93-363 on 21 November 1996.
2 See CRIN’s report on access to justice for children in Morocco, available at: https://archive.crin.org/sites/default/files/morocco_access_to_justice_0.pdf.
B. Have constitutional rights protections been applied by national courts with regards to environmental issues?

There are some relevant cases on environmental matters such as:

- **High Commission for Water, Forestry and desertification Control v urban commune of Ilnin Iklou** (2012): The Court of Cassation stated that forests property subject of temporary occupation for exploitation as gravel quarry falls within the commune’s territory and the requirements of protecting the forests property. Thus the exploitation and use of it are part of the inherent jurisdiction of the commune council according to Article 36 of the Law No. 78-00 on the commune charter, and that the commune council works to guarantee health, hygiene and environmental protection, and protection in accordance with Article 40 of the same law. Therefore the quality and the interest of the head of the commune council to sue are fulfilled.

- **State of Morocco and al v Amirimatix** (2014): The administration is liable for the damages caused by the flood because it did not take into account all factors while building the barrier and the creation of the waterway to discharge water, accordingly lack of taking necessary precautions to avoid such accidents by doing deep technical and geometrical studies that think about the morphological nature of the area and the weakness of discharging water given that the concrete waterway could not handle that, as well as the force of sea tide which limits the speed of discharging water and stands as a barrier before it.

- **Royal Office of Phosphates (OCP) v heirs at law of Said Ben Abdenabi Mhinda** (2015): The Court of Cassation recognized the existence of harm caused by the emission of fluorine gases, the accompanying volatile, fine substances during the production of phosphoric acid and fertilisers through towers after washing them to minimise air emission. It concluded that this waste falling on plant leaves and on the plaintiff’s land makes the appellate court decision well justified.

- **Royal Office of Phosphates (OCP) v heirs of Wareth Idriss** (2015): It was proven that industrial activity inside the factories of Maghrib Phosfour Asfi produces solid and gaseous waste. It also causes emission of fluorine gases, the accompanying volatile, fine

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4 A summary of the decision is available at: https://www.informea.org/en/court-decision/state-morocco-et-al-v-amirimatix.


substances during the production of phosphoric acid and fertiliser through towers after washing them to minimise air emission. This waste falls on plant leaves and on the lands which affects the real estates of the two appellees. The court concluded that there is a causal relation between the said activity and the harm caused to the real estates of the two defendants in cassation based on the liability of risks.

- In 2015, the Court of Cassation stated that if the removal of damage is conditioned to exceed the standard level, the court concluded through the expertise the existence of noise and the harmful smell of wielding which is an unusual damage that must be removed and does not require an action from all the neighbours.

- In 2017, the Court of Cassation highlighted that not specifying the preserved area does not mean dig out palm buds without adhering to legal provisions that require obtaining permission from the administration prior to the act. And as Article 17 of Law No. 06-01 regarding sustainable development in palm areas and the protection of date palms punish anyone that dig out or cut down a palm tree or trees without prior permission from the administration as stated in Articles 12 and 13, also any one that distorts or set a tree or several trees on fire or damage them or destruct one or more seedlings.

Those decisions were issued by the Court of cassation. We have not been able to identify any decisions issued by the Constitutional Court on this matter or case law addressing specific constitutional rights protections to children with respect to environmental issues.

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C. Has the concept of intergenerational equity been applied within national courts? If yes, in what circumstances?

According to our research, the intergenerational equity concept has not been applied in national decisions based on publicly available case law. The government has taken positions to work toward intergenerational equity with respect to certain environmental matters and the National Strategy for Sustainable Development (SNDD) integrates an intergenerational equity perspective.9

Furthermore, Article 33 of the Constitution promotes youth participation in the social, economic, cultural and political development of the country. A Consultative Council of Youth and of Associative Action is created to this effect.

D. What legislation is in place to regulate environmental protection? Are there any proposals for legal reforms currently under review in the national legislature?

The Moroccan legislation on Environment is quite developed10. It includes:

- Law No. 28-00 on waste management and disposal to protect human health and the environment in general against the effects harmful waste, organise the treatment of waste reduce its production.11

- Law No. 11-03 pertaining to the protection and improvement of the environment, which aims to protect the environment against all forms of pollution and degradation, improve the living conditions of humans; define the objectives of the legislative, technical and financial framework on the protection and management of the environment and set up a specific regime of responsibility that guarantees the restoration of damages to the environment and compensation for victims.12


10 For an overview of the legislation, see: https://www.lexadin.nl/wlg/legis/nofr/oeur/lxwemar.htm.

11 Available at: https://www.ecolex.org/details/legislation/dahir-n-1-06-153-portant-promulgation-de-la-loi-n-28-00-relative-a-la-gestion-des-dechets-et-a-leur-elimination-lex-faooc069174/.

• Law No. 10-95 and Law No. 36-15 on water which aims to rationalise the use of water, provide universal access to the resource, reduce disparities between cities and villages and ensure water security across the country.¹³

• Law No. 12-03 on Environmental impact studies to manage activities or work undertaken by any private or public legal entity or individual that, because of their nature, size and location in sensitive or protected areas, must be the object of an environmental impact study, and eliminate the negative impacts of such project.¹⁴

• Law No. 13-03 on the fight against air pollution to prevent and fight emissions of atmospheric pollutants that are likely to affect the health of humans, animals, the soil, the climate, the cultural heritage and the environment in general.¹⁵

There are also quarrying regulations, laws on renewable energy and use of plastic bags.¹⁶

E. Is there any specific national policy addressing childhood exposure to toxic substances? If so, what is considered level of exposure and what is the process for determining safe levels of exposure?

The Government of Morocco has given high priority to climate change and has distinguished itself internationally as a global leader on renewable energy. In 2008 it adopted its National Energy Strategy, which was renewed in 2016 with a new target of 52% installed RE capacity until 2030. However, it does not include any measures of protection specific to children.¹⁷

Based on the review of the legislation, there are no national policies addressing specifically childhood exposure to toxic substances. Some studies have been carried out, such as an assessment conducted in 2003 by the Ministry of Health and the Environmental Department to evaluate specifically the impact of air pollution on asthmatic children.¹⁸

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¹⁴ Available at: http://archive.basel.int/legalmatters/natleg/documents/morocco02e.pdf.
¹⁵ Available at: http://archive.basel.int/legalmatters/natleg/documents/morocco03e.pdf.
¹⁸ ECE_CEP_170_FRE.pdf.
F. Is the country equipped with pollutant release and transfer registers?
If yes, do these registers take into account child specific factors regarding the substances for which data is gathered and the type of data generated?

A national pollutant release and transfer register (PRTR) is on the path to be implemented. The path towards a national register can be tracked over time, as follows:

• In April 2004, Morocco attended the PRTR Conference in Mexico City, held in cooperation with UNITAR and UNECE. The proposed outcome was to explore international/regional mechanisms to strengthen country capacities for implementation of national PRTRs. As of 2014, there was limited coverage for compliance monitoring of environmental requirements by the government, with inspections rare and no compliance system. A PRTR was recommended, with a pilot project in progress.19

• In November 2015, Morocco attended a second Global Round Table on PRTRs. The Director of the Environment and Health Service of the Ministry of the Environment confirmed that a regional pilot PRTR is implemented in northern Morocco, with the aim to create a national PRTR.20

• In November 2019, efforts were being made to implement a national PRTR in Morocco from a supranational level, through the UN’s Mediterranean Action Plan (the Barcelona Convention)21.

• Through this project, a set of National Action Plans (NAP) indicators in three thematic areas, i.e., water, industrial pollution and waste including marine litter, have been developed in selected countries, incl. Morocco to support regular review of progress towards a cleaner Mediterranean. National capacities have been enhanced by developing a Pollution Release and Transfer Register (PRTR) Legal Template for selected countries to facilitate the transition to sound data management, especially for industrial facilities. Regional capacity has been developed on data collection by developing National Baseline Budget/Pollution Release and Transfer Register (NBB/PRTR) Implementation Guidelines, aiming to improve the capacity of industrial installations.

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operators to report best available data to competent national authorities.

With the support of the project, Morocco has developed an impressive tool to display and communicate on H2020 indicators. The indicator data are being populated in the system, and a full national assessment published.22

Based on available information, registers do not take into account child specific factors regarding the substances for which data is gathered and the type of data generated. 23

**G. Does the State assert extra-territorial jurisdiction for any environmental issues?**

There is no case law that addresses the assertion of extra-territorial jurisdiction for any environmental issues. However, Morocco signed multilateral environmental agreements that may give rise to such application and assertion of extra-territorial jurisdiction with respect to environmental issues. Morocco is a member of the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), amongst other non-EU member states24. The Bern Convention is relevant to this point as the negotiating states deliberately chose to omit proposed territorial limitations.25

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25 Available at: https://rm.coe.int/16800ca431.
II. ACCESSING COURTS
A. How can environmental cases be brought before national courts?

Based on the legislation mentioned above, environmental cases can be brought before either administrative, civil or criminal courts in Morocco. The Supreme Court is the highest Court.

As for criminal matters, pursuant to Article 218-3 of the Moroccan Penal Code characterizes as terrorism the concept of introducing “in the atmosphere, the ground, the underground, or in waters, including territorial waters, a substance that jeopardizes the health of people or animals in their natural habitat.”. This offence carries a penalty of 10 to 20 years of imprisonment. When the offence results in the mutilation, amputation, loss of an eye or any other permanent disability, to one or several persons, the penalty shall be life in prison. The death Penalty shall be applicable in case the offence has resulted in the death of one or several persons.

In addition, pursuant to Article 609-20 of the Moroccan Penal Code any person placing toxic substances in any liquid intended for drinks of people or animals can be sentenced to pay damages in the amounts ranging from 10 to 120 Moroccan dirhams.

With respect to civil matters, pursuant to Article 63 of Law. No 2003-11: “Any natural or legal person storing, transporting or using oils, or toxic and dangerous substances can be held liable, even without proof, or any operator of a classified facility, as defined by the relevant regulations issued in application of the present legislation, and causing material or personal damage directly or indirectly as a result of the aforementioned activities”. Similarly, Article 76 provides that “Any natural or legal person, having suffered a damage due to the emission or rejection of a substance, a sound, a vibration, a radiation, a heat or a smell having its health or its assets is entitled to, within ninety days after the determination of the damages, ask the administration to start an investigation.” The findings of the investigation are communicated to the claimant.

B. What rules of standing apply in environmental cases?

In most of the cases, the public prosecutor initiates the process but the victim also has this right, either by directly summoning the alleged offender before the criminal court or by filing a civil suit before the competent judge.28

According to Article 1 of the Code of Civil Procedure (Dahir dated 24 July 1974) “only those who have capacity, standing, and interest may institute legal proceedings”. Groups and organisations may institute legal proceedings in accordance with Article 1 of the Moroccan Code of Civil Procedure.

C. Do these rules of standing differ when children are the complainants and if so in what way?

Since the rights of children are deemed to be an integral part of human rights, a child shall have access to the same judicial remedies as are open to any citizen. Article 118 of the Constitution provides that access to justice is guaranteed to every person for the defence of their rights and of their interests protected by the law.

In relation to civil cases, children are not permitted to bring complaints and seek redress before a court or any other authority by themselves, and instead require parental consent. Claims would be filed by the child’s legal tutor who, according to Article 236 of the Family Code, would be the child’s father.29

D. What is the burden and standard of proof for allegations of personal injury as a result of toxic exposure?

For civil matters, the applicable standard of proof is set out in Article 399 of the Moroccan Code of Obligations30, which provides that the claimant bears the burden of proof. The Code of Obligations does not set any additional specific burden of proof.

29 See CRIN’s report on access to justice for children in Morocco: https://archive.crin.org/sites/default/files/morocco_access_to_justice_0.pdf.
30 Available at: https://rabat.eregulations.org/media/Doc%20maroc.pdf.
With respect to criminal matters, Article 288 of the Code of Criminal Procedure provides that a criminal offence can be evidenced by any lawful means. The victim bears the burden of proof.

E. What limitation periods apply in environmental cases?

In Morocco, the limitation period to bring a civil claim is 15 years from the beginning of the obligation. As for criminal matters, pursuant to Article 4 of the Moroccan Code of Criminal Procedure, the limitation period to bring a criminal claim is twenty years.

F. Is legal aid available in environmental cases? If so, under what circumstances?

According to Article 1 of Law No. 514-65 (1 November 1966), judicial assistance should be accorded in all types of litigation to:

- persons of Moroccan nationality – citizens, public-benefit institutions and private associations with a mission of assistance; and
- those who can prove their lack of financial resources prevents them from defending themselves – decided on a case-by-case basis.

Under Article 121 of the Constitution, when provided by the law, justice is free for those who do not have the resources sufficient to bring a claim before a court. Each court has a special “bureau” which examines whether the applicant is eligible for legal aid, having regard to the financial resources of the applicant and the circumstances of the case. \(^{31}\)

In practice, however, legal aid appears to be restricted to criminal matters only. A major hurdle is that lawyers are not adequately compensated for the assistance they provide to an aided party, notwithstanding that the State should provide this. This issue has been a source of contention for lawyers in Morocco for many years now. \(^{32}\)

The Moroccan Association of Human Rights (Association Marocaine des Droits Humains) provides information on legal aid services. \(^{33}\)

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31 See CRIN’s report on access to justice for children in Morocco: https://archive.crin.org/sites/default/files/morocco_access_to_justice_0.pdf
33 For more information, see: www.amdh.org.ma.
III. REMEDIES
A. What remedies are courts empowered to impose in environmental cases?

The courts are competent to order compensatory damages, criminal penalties, and orders to cease and desist harm or damage as remedies in environmental cases. Fines and sanctions for non-compliance with environmental standards are stipulated in legislation (see below).

However, according to the UN Environmental Performance Reviews (EPR) of Morocco, such fines and sanctions (notably for air, water and waste), are not applied in general, and neither are emissions charges. In addition, regulations for the establishment of taxes, even those that have been partially established by the legislation, are slow to be implemented (for example, fees for discharges, flows, direct and indirect deposits into surface or groundwater).34

B. What remedies have courts ordered in environmental cases to date?

The courts may order compensatory damages, criminal penalties and orders to cease and desist harm or damage. By way of example:

a. In ‘Blacksmith and welder shop – noise, and garbage smell – removal of harm’ (28 April 2015)35, a case concerning noise pollution and smells emitted from rubbish, the Court of Cassation ruled that the harm must be removed.

b. In State of Morocco et al v Amirimatix (5 May 2014)36, the Court of Cassation determined that the ‘administration’ (the State of Morocco) was liable for damages caused by a flood. The Court determined that the flood was caused by a lack of necessary precautions (such as, for example, conducting deep technical and geometrical studies to determine the morphological nature of the area) when building a concrete tidal barrier and discharge waterway. The Court found in favour of the ‘harmed company’ and ruled that it was to receive compensation for the harm suffered.

34 United Nations Economic Commission For Europe in cooperation with United Nations Economic Commission For Africa, op. cit.
C. Are there any administrative authorities empowered to act on environmental complaints and if so, how are they empowered to respond to complaints?

There are several authorities, as detailed below.37

The Department of Environment, within The Ministry of Energy, Mines, Water and Environment, is the national environmental authority responsible for developing and implementing national environmental policy, and it is also responsible for the coordination of environmental protection at the national level. The Department of the Environment’s tasks include environmental monitoring and environmental impact assessments (EIA), pollution prevention and mitigation, including undertaking inspection/control actions that are assigned to it by law. The Department of the Environment is headed by the Secretariat-General and comprises two divisions reporting directly to the Secretary General and four directorates:

- The Division of Pilot Projects and Environmental Impact Assessments. This division implements project-level environmental assessment procedures in accordance with the Law on EIA No. 12-03 and its implementing regulations. The Division of Pilot Projects and Environmental Impact Assessments implements project-level environmental assessment procedures in accordance with the Law on EIA No. 12-03 and its implementing regulations.

- The Directorate of Regulations and Control (DRC), which is responsible for environmental compliance monitoring and enforcement.

Without either adequate regional representation or powers for independent, proactive compliance monitoring and administrative enforcement, the activity of the Department of the Environment has long been limited to responding to requests from other governmental authorities and providing compliance promotion and awareness-raising. This stems from the understanding that better knowledge of environmental requirements is a prerequisite for regulatory compliance.

Other governmental and administrative bodies are also empowered to act on environmental complaints, including the High Commission for Water, Forestry and Desertification Control. Its mission is to develop and implement government policy in the areas of conservation and sustainable use of forest resources and pastures, and the development of hunting, fishing, nature reserves and parks. The High Commission reports directly to the Chief of the Government. It is the primary institution dealing with biodiversity in Morocco. The

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High Commission’s mission is to develop and implement government policy in the areas of conservation and sustainable use of forest resources and pastures, and the development of hunting, fishing, nature reserves and parks. It coordinates the establishment of institutional mechanisms for the preparation, implementation, monitoring and evaluation of government policy to combat desertification. The High Commission is mainly responsible for coordinating the development and implementation of management plans for wetlands and nature reserves and parks. The management of biological resources, including biodiversity conservation, and natural areas is covered by the High Commission for Water, Forestry and Desertification Control. The High Commission also formulates and implements the forest policies. Through an extensive network of regional services, it deals with forest management, including issuing authorizations, inspections and forest law enforcement. It has regulatory and control functions on hunting and inland fisheries (granting licences), and manages the protected areas, including the wetlands. The High Commission has a corpus of paramilitary agents (forest guards armed on duty) with a clear mandate.

Several other governmental bodies have a role in environmental regulation and compliance assurance:

- The Ministry of Equipment and Transport has responsibility for the management of classified industrial installations and quarries, as well as for setting environmental standards for transport units.


- The Ministry of Agriculture and Maritime Fisheries is responsible for, inter alia, the protection and conservation of the marine environment. It monitors and inspects coastal fishing using a body of sea agents, and can establish fishing bans.

The environmental legislation gives an important place in compliance monitoring and enforcement to the national military and paramilitary forces. This may involve units of the Navy, Gendarmerie Royale or Civil Protection. Those units consist of officers who report offences in environmental law within their fields of responsibility. The Gendarmerie Royale has special environmental brigades in each of the country’s regions. Those brigades establish police reports and impose penalties, mostly for minor offences such as unauthorised rubbish disposal, selling pesticides without authorization or even selling meat in improper sanitary conditions.
The copies of those official reports are sent to DRC (a division with the Department of the Environment, see above) for information. Apart from involvement through the Gendarmerie Royale and Directorate of Civil Protection, the Ministry of the Interior exercises supervision over the development activities of the local authorities and can thus influence decisions on all local affairs, including environmental management.

The National Council for the Environment, The Higher Council for Planning, The High Council for Water and Climate and The National Forest Council all provide platforms for dialogue and technical expertise. The National Council for the Environment has several specialised committees (incl. protection of nature, legal and international, prevention, information, communication and education). The National Council for the Environment provides a forum for consultation, cooperation and dialogue among key stakeholders. It is typically chaired by the national environmental authority. Representatives from other ministries serve as members. NGOs, professional associations and private sector entities are invited to participate. The Department of Environment provides the secretariat for the National Council for the Environment through a dedicated unit under the Division of Planning and Forecasting. All studies and projects of laws and regulations affecting the environment, as well as projects and programmes that may affect the environment, are submitted to the National Council for the Environment for its opinion. Its role, in this sense, is consultative.

The 2002 Charte Communale increased the prerogatives of the local authorities/councils, giving them the competence to enforce parts of legislation concerning urban development, household waste and green areas. They are typically the interface between citizens and the authorities and deal with complaints from individuals. The president of the communal council has administrative enforcement powers. He/she can issue permits, injunctions or prohibition orders, or other municipal by laws. Specifically, he/she watches over compliance with urban planning regulations and delivers construction permits and operation permits for classified industrial installations and checks on compliance with requirements. However, the transfer of competencies to the local level was not accompanied by sufficient resources transfer; consequently, local authorities often have a tendency to rely on governmental bodies and their regional/provincial arms for enforcement and compliance.
IV. CIVIL AND POLITICAL RIGHTS
Freedom of peaceful assembly

A. How is children’s right to engage in peaceful assembly, including protests, protected in national law?

The Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child recognise children’s rights. Morocco is a signatory to each of these.38

The Constitution of 201139 established a ban on any form of discrimination, the primacy of relevant international law where there is a conflict with national law. However, Morocco does not have a specific code protecting children. The legal framework for the protection of children includes different laws.40 In 2013, the Moroccan government launched the Integrated Public Policy for Protection of the Child (PPIPEM), which applies to any person under the age of 18, whereby the coordination of the rights and protection of children is the responsibility of the Ministry for Solidarity, Women, the Family and Development.41

However, such law does not expressly deal with children’s rights to engage in peaceful assembly. Art. 29 of the Constitution nevertheless expressly guarantees the freedom of peaceful assembly: “The freedoms of reunion, of assembly, of peaceful demonstration, of association and of syndical and political membership, are guaranteed.”

39 Available at: https://www.constituteproject.org/constitution/Morocco_2011.pdf.
40 Incl. the Criminal Code, the Criminal Procedure Code, the Labour Code, the Nationality Code, the Press Code, the Law on the support (Kafala) of abandoned children and Decree No. 2-04-0682, dated 29 December 2004, limiting employment of minors, women and disabled persons.
41 The United Nations Economic Commission For Europe in cooperation with United Nations Economic Commission For Africa, op. cit.
B. Are there any legal limitations on the right of children to engage in peaceful assemblies?

The Constitution imposes general restrictions on the right to peaceful assembly and the right to strike. The law establishes the conditions and the modalities of its exercise. According to the 1958 public freedoms law as amended in 2002, only legally registered associations, trade unions, or political parties may organise a public demonstration. Whether the gathering is an organised demonstration (muthahara) or a more informal assembly (tajamhur), organisers must provide a minimum of 3 days’ and a maximum of 15 days’ prior notice to their local administrative authority, which is under the auspices of the Ministry of Interior. Organisers must publish their full names, personal addresses, and national ID numbers in addition to specifying the purpose, date, time, and location of the demonstration. The local authority maintains the right to ban the demonstration on grounds of threatening public order, and a series of punishments are outlined for protesters who participate in the banned demonstrations.42

Furthermore, such rights of freedom of assembly are not expressly available to children. It is important to note that, according to UNICEF, the freedom prescribed by Article 29 of the Constitution is reserved only for adults.43

C. What penalties can be imposed on children for engaging in school strikes?

According to our research, the law does not impose specific penalties on children engaging in school strikes. However, any member of the extended family may inflict corporal punishment on a child (father, mother, brother, sister, uncle, aunt, grandparents), as well as adults outside the family (neighbours, school teachers, instructors in group homes, etc.), without disapproval.44 Additionally, the CRC, in its 2014 report, expressed concern that the Moroccan State had still not prohibited corporal punishment in the home, alternative care institutions, day care centres or in schools, and that violence is the disciplinary measure used most often.45

42 Ibid., p. 44.
43 Ibid., p. 61.

Civil And Political Rights
**Freedom of expression**

**A. How is children’s right to freedom of expression protected in national law? Are there any protections within the national constitution, legislation or developed through case law?**

Article 12 of the CRC commits Morocco to allowing children freedom of expression “in all matters affecting the child”, which includes “the opportunity to be heard in any judicial and administrative proceedings affecting the child”. This is reinforced by Article 25 of the Constitution that guarantees the “freedoms of thought, of opinion and of expression in all their forms”.

**B. Are there any legal limits or restrictions on the right to freedom of expression that specifically apply to children?**

There is some discrepancy between the letter of the law and the practical situation on the ground, with Morocco ranking 133 out of 180 countries for press freedom in 2020 based on Reporters Without Borders,46 and increasing numbers of Moroccans being prosecuted for things said on social media.47

According to the available data, it would appear that the social and cultural norms also impose limits on a child’s right to freedom of expression. Cultural and social norms concerning a child’s right of expression are also worthy of note in this context. Based on research and interviews undertaken by UNICEF in 2015 within the framework of children’s civil rights and freedoms in Morocco, UNICEF found that familial and social norms imposed limits on a child’s ability to discuss their opinions and for those opinions to be heard by adults. The research concluded: “…any participation by the child in the family and social sphere is characterised by respect towards older people, notably parents and teachers, but also adults of the wider family. This reality limits the possibilities of discussion and real listening to the opinion of the child.”48

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Furthermore, according to the CRC, few actions had been taken in Morocco to change attitudes within society that impede children from expressing themselves. CRC’s concluding observations in 2014 provided: “limited sustainable actions have been undertaken to change societal attitudes within the family, schools and the community at large that impede children from expressing themselves”.49

**Freedom of association**

**A. How is children’s right to freedom of association protected in national law? Are there any protections within the national constitution, legislation or developed through case law?**

Article 15 of the CRC recognises the rights of the child to “freedom of association and to freedom of peaceful assembly. Article 29 also guarantees the freedom of association.

**B. Are there any legal limits or restrictions on the right to association that specifically apply to children?**

However, we understand that State actions may not always fully reflect these freedoms granted by the Constitution, and various loopholes may exist for authorities to circumvent these freedoms. Such challenges faced by groups seeking to establish civic associations (especially NGOs) include administrative barriers, security harassment and political pressures.50

Nevertheless, youth associations have been created in order to promote the environment.51

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51 See for instance: https://www.levert.ma/lassociation-jeunes-developpement-durable-organise-serie-des-formations-benefice-associations-de-sale/.
Access to information

A. How is children’s right to access information protected in national law? Are there any protections within the national constitution, legislation or developed through case law?

Access to information is highlighted in Article 27 of the Constitution as follows: “The citizens have the right of access to information held by the public administration, elected institutions and public service bodies. The right to information may only be limited by the law, with the objective of assuring the protection of all which concerns national defense, the internal and external security of the State, and the private life of persons, of preventing infringement to the fundamental freedoms and rights enounced in this Constitution and of protecting the sources and the domains determined with specificity by the law” (unofficial translation). Article 11 of the Constitution also guarantees equitable access to the public media, albeit both the right to access information and media is general and not specifically directed at children.

In 2018, Morocco joined the “Open Government Partnership” (OGP), a global initiative seeking to make governments more open, accountable, and responsive to citizens. OGP gathers over 70 governments, representing one third of the world’s population. Its members pledge to guarantee public access to information, asset declarations of public officials, fiscal transparency and citizen engagement. The Moroccan Parliament adopted Law No. 13.31 on the Right to Information in February 2018, which contains eight articles dictating that all Moroccan citizens have the right to access information to ensure transparency, counter corruption, boost the administration’s openness, and establish a culture of good governance and democracy. The law came into force in March 2020, but its implementation might be limited due to several shortcomings in both the public and private sectors.
**B. Are there any legal limits or restrictions on the right to access information that apply specifically to children?**

As mentioned above, the right to access information is generally provided to include all citizens and, based on the information available to us, does not specify children or any age limits, nor does it specify social media (or the platform on which such information is made available).

**C. Does the national curriculum for schools include environmental education? (If so, please include a description of what is addressed within environmental education)**

Since 2009, when Morocco introduced the National Charter for Environment and Sustainable Development, environmental studies have been catered for in the education system. According to Article 8 of the Charter, environmental education should be through awareness programs, through suitable academic courses, and environmental and sustainable development training. Beyond this guidance, the responsibility to implement such environmental education is entrusted to the regional Education Districts, who team up with environmental NGOs (for example the Bahri Association or the Moroccan Association for Ecotourism and Nature Protection) and civil society organisations (such as the Mohammed VI Foundation for Environmental Protection) to translate the policy into actionable school-level programs.\(^{54}\)

The National Strategy on Sustainable Development also promotes sustainable development through education. The Objective 125 defines five different measures:

- **125.1:** Develop education programmes for sustainable development, particularly for children and young people (schools, youth centres, holiday camps, etc.)

- **125.2** Integrate sustainable development in teaching programmes (primary, secondary, higher education and professional training)

- **125.3** Train teachers and eco-facilitators on sustainable development issues

- **125.4** Involve schools to take an active role in sustainable development approaches to apply and implement those (sustainable waste management in schools, integration of renewable energies, etc.)

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\(^{54}\) Additional information is available at https://thegeep.org/learn/countries/morocco; http://www.chartenvironnement.ma/index.php?option=com_content&view=article&id=125&Itemid=216&lang=en&showall=1; and http://associationbahri.org/.
• 125.5 Develop activities and teaching toolkits on sustainable development for children and young people.55

Several programs are now developed and integrated in the school curriculums, in primary and secondary schools and at the university. For instance, there is a specific program “Eco-Ecoles” in primary schools and a “Young reporters for the environment” program in secondary schools. An agreement was signed in 2008 between the Secretary of State for Water and the Environment and the Ministry of Education to develop a specific programme on environment and sustainable development in rural school, incl. organisation of activities, development of training toolkits for teachers and the creation of 300 environmental clubs from 2007 to 2010. Environment and sustainable development are also integrated in preschool programs.56

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